

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

DOCKET FILE COPY ORIGINAL

RECEIVED

NOV 22 1996

In the Matter of)

Advanced Television Systems)
and Their Impact upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

COMMENTS OF ARIES TELECOMMUNICATION CORP.

Aries Telecommunication Corp. ("Aries"), licensee of television station WGBA(TV), Channel 26, Green Bay, Wisconsin, hereby submits its comments in the Federal Communications Commission's ("FCC") Further Notice of Proposed Rulemaking ("NPRM") issued in the above-referenced proceeding.^{1/} Aries supports the DTV Table of Allocations proposed by the FCC in its NPRM, which would allot DTV Channel 25 to WGBA. In addition, Aries urges the Commission to adopt more flexibility in its implementation of the transition rules, especially the rules regarding maximum and minimum power levels and the allotment of channels on the basis of current transmitter sites.

DISCUSSION

Under the proposed DTV Table of Allocations, the Commission has allotted WGBA(TV), which operates on NTSC signal channel 26, the use of DTV channel 25. NPRM, at Appendix B. Aries supports this allotment, as it would allow Aries the ability to best serve the

^{1/} Notice of Proposed Rulemaking, MM Docket No. 87-268, FCC 96-317 (August 14, 1996).

No. of Copies rec'd
List ABCDE

045

public interest by preserving viewers' access to the television service WGBA currently provides, by creating a DTV coverage area comparable to its existing NTSC coverage area.

The Commission recently granted Aries authorization to modify the WGBA facilities so that WGBA may operate with a radiated power of 5000 kW. See FCC File No. BPCT-960213KE. This operating level results in a power increase that is 2.993 dBk over the maximum allowable power proposed by the Commission in the NPRM. See NPRM at Appendix B. Therefore, if the Commission's policy is to allow broadcasters the ability to provide DTV service to a geographic area that replicates the existing NTSC station, Aries urges the Commission to modify its Table of Allotments to reflect the current modified operations of WGBA.

In addition, Aries supports the Commission's original proposal for the allotment of the digital TV service area, whereby DTV channels would be allotted based on an approach of maximizing service areas of all DTV stations. See NPRM at para. 14. As a licensee of a UHF station, Aries is well aware of the inequalities that currently exist between the service areas of VHF and UHF signals. Allotting channels based on a policy of maximizing service areas, instead of an emphasis on replicating current service areas, would implement a much-needed equalization exist among stations. Further, Aries believes that such an approach would create an incentive for most broadcasters to implement digital service more quickly if they have the potential for the expansion of coverage areas. To further assist the goal of equalized coverage, Aries supports a proposed maximum allowable effective radiated power of 316 kW at a height above average terrain of 2000 feet that would apply to all DTV stations. See NPRM at para. 41.

Aries also supports the Commission's proposal to allot DTV channels on the basis of current transmitter sites. NPRM, at para. 55. Aries does not agree, however, with the

Commission's proposal of assuming a DTV site location must be within a three-mile radius of the existing NTSC transmitter location. Aries believes that greater flexibility in the location of the DTV site may be necessary to foster the implementation of DTV, given the difficulty inherent in locating existing tower space or in constructing new towers in varied areas of the country. Moreover, if the Commission grants authority to a licensee to relocate its authorized NTSC site, the DTV assignment should be relocated as well, even if the move would require a change of the DTV assignment. Aries understands that even with a more flexible approach, any modification must not create a significant effect on other stations' service areas.


Finally, the Commission has proposed that in view "of the important benefits that LPTV and TV translators provide to the public," LPTV stations should be afforded a window of opportunity to seek "primary" status before new applicants can seek the use of DTV channels. NPRM at para. 72. Aries provides programming in the Green Bay area, but is aware of the value LPTV stations bring to other less populated areas in Wisconsin. Therefore, Aries urges the Commission to provide LPTV stations the ability to provide and use DTV channels to ensure that the unique local programming LPTV stations bring to its community continues.

CONCLUSION

Aries Telecommunications Corp. hereby respectfully submits its comments in the above-referenced matter for consideration by the Commission.

Respectfully submitted,

ARIES TELECOMMUNICATION CORP.

By: 
Don Clark, President